

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
NO. 3:04CV301-H**

<b>CHARLES GOODWIN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER OF DISMISSAL</u></b>
	)	<b><u>FOR FAILURE TO PROSECUTE</u></b>
<hr/> <b>PHILLIP MORRIS USA, INC.,</b>	)	<b><u>FED. R. CIV. P. 4(m)</u></b>
	)	
<b>Defendant.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on its own Motion and it appears that the Plaintiff filed his Complaint on June 21, 2004; that a Summons was issued the same day; that no return of service or waiver of service has been filed; that on July 14, 2005, the Clerk mailed the Plaintiff a notice stating that this action would be dismissed unless he filed a return of service or took some other action to extend the time for service within 20 days; and that the Plaintiff has not responded to the notice, nor has he filed a return of service or otherwise taken any other action in prosecution of this action.

**NOW THEREFORE, IT IS ORDERED** that pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, this matter is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

Signed: February 28, 2006



Graham C. Mullen  
United States District Judge

